

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

**SENATE BILL**

**No. 1641**

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**Introduced by Senator Soto**

February 24, 2006

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An act to amend Section 1536.2 of, and to add Section 1530.3 to, the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1641, as amended, Soto. Foster care providers.

Existing law provides for the licensure and regulation of community care facilities, including foster family agencies, foster family homes, small family homes, and group homes as defined, by the State Department of Social Services.

This bill would require the Director of Social Services to report to the Legislature on the progress of the department's children's residential regulation review workgroup, including recommendations being considered for statutory, regulatory, and policy changes, *and* any workplan for the implementation of those recommendations, ~~and an assessment of how the proposed recommendations would eliminate stigmatizing impacts on foster children and youth and promote the recruitment of qualified foster parents.~~

Under existing law, when a placement agency has placed a child with a foster family agency, the foster family agency is required to place the child in a licensed foster family home or certified family home that best meets the needs of the child.

This bill would expand this provision to include instances when a placement agency places a child with a relative caregiver, nonrelative extended family member, licensed foster family home, or group home.

The bill would define a home that meets the best needs of the child to include a home that meets the child's health, safety, and well-being needs, is the least restrictive and most family like environment, and allows the child to engage in reasonable, age-appropriate activities, as specified. The bill would require the foster child's caregiver to use a reasonable and prudent parent standard to determine these age-appropriate activities.

Violation of the provisions relating to the licensing and regulation of community care facilities is a misdemeanor. By revising the requirements applicable to placement agencies and foster care providers, the bill would change the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares as follows:  
2     (a) Many of the state's foster care licensing statutes,  
3     regulations, and policies have understandably been developed  
4     with the sole objective of protecting the safety of children and  
5     youth in foster care, with little regard for the creation of a foster  
6     home environment that resembles actual nonfoster care living  
7     environments. In many cases these rules serve to stigmatize  
8     foster children and youth by subjecting them to conventions  
9     dissimilar to other children. These rules are also often viewed as  
10    unreasonable by prospective foster parents and therefore serve to  
11    discourage them from becoming foster parents. Foster care  
12    licensing requirements should be developed and implemented in  
13    a manner that is consistent with current program best practices  
14    and the goals and objectives of the Child Welfare System  
15    Improvement and Accountability Act of 2001 (Chapter 678 of  
16    the Statutes of 2001). ~~Additionally, the Community Care~~  
17    ~~Licensing Division of the State Department of Social Services~~

~~1 spends needless time and resources investigating and enforcing  
2 requirements that do little to promote the well-being of children.  
3 The division's resources can more effectively be directed toward  
4 requirements that enhance both the safety and well-being of  
5 children in foster youth while encouraging more foster care  
6 providers.~~

(b) The State Department of Social Services has convened a children's residential regulation review workgroup, which includes representatives of the department and interested stakeholders, to review community care licensing foster care statutes, regulations, and policies, to ensure that they promote the safety and well-being of children and youth in foster care, and who are leaving foster care.

(c) It is therefore the intent of the Legislature to ensure that youth placed in out-of-home foster care be given an opportunity to live in an environment that resembles as closely as possible nonfoster care families. It is the further intent of the Legislature to ensure that all licensing statutes, regulations, and policies serve to promote the well-being of children and youth in foster care and who are leaving foster care and to ensure children and youth are safe and protected in foster care.

SEC. 2. Section 1530.3 is added to the Health and Safety Code, to read:

1530.3. The director shall report to the Legislature during the 2007–08 budget hearings on the progress of the department's children's residential regulation review workgroup. The report shall include all of the following:

(a) A summary of the activities of the workgroup up to the date of the report.

(b) The timeline for completion of the workgroup's activities.

(c) Any recommendations being considered for statutory, regulatory, and policy changes, and any workplan for the implementation of those recommendations.

~~(d) An assessment of how the proposed recommendations will eliminate stigmatizing impacts on foster children and youth, and promote the recruitment of qualified foster parents.~~

SEC. 3. Section 1536.2 of the Health and Safety Code is amended to read:

1536.2. (a) When a placement agency has placed a child with a relative caregiver, nonrelative extended family member,

1 licensed foster family home, foster family agency for subsequent  
2 placement in a certified family home, or with a group home, the  
3 placement agency or foster family agency shall ensure placement  
4 of the child in a home that best meets the needs of the child.

5 (b) A home that best meets the needs of the child shall satisfy  
6 all of the following criteria:

7 (1) The child's caregiver is able to meet the health, safety, and  
8 well-being needs of the child.

9 (2) The child's caregiver is permitted to maintain the least  
10 restrictive and most family-like environment that serves the  
11 needs of the child.

12 (3) The child is permitted to engage in reasonable,  
13 age-appropriate activities, including, but not limited to, the  
14 following:

15 (A) Participating in athletic and recreational activities,  
16 including water activities.

17 (B) Remaining in the home alone for short periods of time, if  
18 deemed safe and appropriate.

19 (C) Having appropriate access to household and personal  
20 cleaning products, such as laundry detergents and shampoos.

21 (D) Having appropriate access to over-the -counter medicines,  
22 for the purpose of learning reasonable self-care.

23 (E) Other activities intended to foster a normal, family-like  
24 environment for the foster child.

25 (4) The foster child's caregiver shall use a reasonable and  
26 prudent parent standard to determine activities that are  
27 age-appropriate and meet the needs of the child. Nothing in this  
28 section shall be construed to permit a child's caregiver to permit  
29 the child to engage in activities that carry an unreasonable risk of  
30 harm, or subject the child to abuse or neglect.

31 SEC. 4. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the  
36 penalty for a crime or infraction, within the meaning of Section  
37 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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